

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 14, 2010

CALL TO ORDER:

Chair Bartlett called the meeting to order at 1:02 P.M.

I. ROLL CALL

Chair Bruce Bartlett, Vice-Chair John Jostes, Commissioners Charmaine Jacobs, Mike Jordan, and Sheila Lodge.

Absent: Commissioners Stella Larson and Deborah L. Schwartz

STAFF PRESENT:

John Ledbetter, Principal Planner
 Danny Kato, Senior Planner
 N. Scott Vincent, Assistant City Attorney
 Rob Dayton, Principal Transportation Planner
 Michael Berman, Project Planner/Environmental Analyst
 Dan Gullett, Associate Planner
 Peter Lawson, Associate Planner
 Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of September 2, 2010
2. Resolution 011-10
1220 Shoreline Drive
3. Resolution 012-10
15 E. Cabrillo Boulevard
4. Draft Minutes of September 9, 2010
5. Draft Minutes of September 29 and 30, 2010 Special Meeting
6. Resolution 013-10
Certification of the *Plan Santa Barbara* Final Environmental Impact Report

7. Resolution 014-10
Recommendation to City Council for approval of the *Plan Santa Barbara*
General Plan Update

MOTION: Jostes/Lodge

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: As noted. Absent: 2 (Larson, Schwartz)

Commissioner Jostes abstained from the Minutes/Resolution of September 2, 2010 related to 15 E. Cabrillo Boulevard.

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

1. None.

- C. Announcements and appeals.

1. None.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Bartlett opened the public hearing at 1:19 P.M.

Sharon Byrne, Milpas Community Association, requested that her neighborhood group be allowed to make a 5-7 minute presentation at the hearing next week when Casa Esperanza is heard.

With no one else wishing to speak, the public comment hearing was closed at 1:21 P.M.

III. ENVIRONMENTAL HEARING:

ACTUAL TIME: 1:21 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself from hearing this item due to the Applicant being represented by the same law firm where her husband is employed.

EX PARTE COMMUNICATION:

Commissioner Bartlett disclosed ex parte communications with Mr. Steve Amerikaner and Heike Kiian regarding the project.

APPLICATION OF THE TYNAN GROUP (AGENT) FOR AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE de los AMIGOS, APN'S 049-440-015 & 16, 049-040-050, 053 & 054, A-1, E-1 & E-3 ZONE DISTRICTS, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE, 1 UNIT/ACRE MST2005-00742)

The proposed project is an amendment to the Valle Verde Retirement Community (VVRC) Conditional Use Permit. VVRC is made up of five separate parcels totaling approximately 59.75 acres. The proposed project involves the following components: 1) Construction of 40 two-bedroom independent living units. 2) New access road onto Torino Road for eight of the proposed units. 3) Upgrade the facility's Central Core (Common Area) and commercial facilities by renovating approximately 10,461 net square feet and expanding the buildings by a total of 14,902 net square feet. 4) Construct three new gazebos in various locations throughout the development. 5) Demolish six common parking areas, and relocate the parking spaces to other parking lots on the site. 6) Provide 83 new parking spaces, including two new staff parking lots. 7) Create a 9.8 acre Oak Woodland preserve. 8) Demolish an existing 2,280 s.f. hospice building, 1,300 square foot single family residential unit, four multi-family residential buildings, maintenance buildings and four gazebos. Additionally 15 oak trees are proposed to be removed and six oak trees may be impacted. Grading for the project would involve 11,520 cubic yards of cut, 13,300 cubic yards of fill and 1,780 cubic yards of import.

ENVIRONMENTAL HEARING: The purpose of the environmental hearing was to receive comments from the Planning Commission, interested agencies and the public on the adequacy and completeness of the Draft Environmental Impact Report (EIR) for the Valle Verde project, located at 900 Calle de los Amigos, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. Written comments on the Draft EIR will be accepted through October 18, 2010. The Draft EIR for this project is currently available for review and comment and is available for review at the City Planning Division located at 630 Garden Street, or online at www.SantaBarbaraCA.gov/eir. The Draft EIR examines the impacts that may be associated with the project in the areas of aesthetics, biology, and transportation/circulation. The comment period on the document ends on **October 18, 2010.**

No formal action on the development proposal or environmental document was taken at this hearing.

Case Planner: Peter Lawson, Associate Planner
Email: PLawson@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4565

Peter Lawson, Associate Planner, gave the Staff presentation.

Ron Schaefer, Valle Verde Executive Director, gave the Applicant presentation joined by Larry Hunt, environmental consultant.

Chair Bartlett opened the public hearing at 1:45 P.M.

The following people spoke in support of the Draft Environmental Impact Report (DEIR):

1. John Barron
2. Louise Carey, Valle Verde Resident, Chair of Disaster Committee
3. Virginia Robinson, Valle Verde Resident/former Santa Barbara Planning Commissioner
4. Art Montgomery, Valle Verde Resident
5. Judy Richards, Valle Verde Resident
6. Donald O'Dowd, Valle Verde Resident
7. Art Christman, Valle Verde Resident
8. Henry Jones, Valle Verde Resident
9. Judy Richards, Valle Verde Resident
10. Dorothy Burkhard, Valle Verde Resident, speaking for Edwina Mindheim
11. Duncan Mellichamp, Valle Verde Resident
12. Charlie Johnson, retired Fire Captain and Valle Verde public safety volunteer

The following people spoke expressed concerns with the DEIR:

1. Ruth Georgi, Valle Verde adjacent neighbor, asked for a reduction in the number of units being considered in the Master Plan and preservation of open space.
2. Judy Orias, Hidden Valley Resident, submitted written comment and stated that previous requests to look at traffic and safety on Torino and Palermo Streets were not considered in the DEIR.
3. Jermaine Chastain, Valle Verde adjacent neighbor, provided a statement on her concerns regarding the DEIR, including the proposed development is not compatible with the neighborhood and also submitted written comments.
4. Peter Georgi, Valle Verde adjacent neighbor, asked for reduction in the number of units being considered on the Rutherford parcel.
5. Heike Kilian, submitted written comments, and voiced concerns about inadequate parking for the current development, which she used photographs to illustrate and that this was not included in the DEIR.
6. Christina McGinnis, land use consultant for Hidden Oaks Home Owners Association, submitted written comments and spoke on the lack of land use compatibility analysis, dismissal of the reduced project alternative, flawed traffic and biological baseline, and the EIR does not analyze a re-zone on the Rutherford parcel.
7. Anna Citrin, Law Office of Mark Chyttilo, representing Hidden Oaks Home Owners Association, commented on DEIR inadequacies, lack of environmental thresholds, inconsistent threshold analysis between the City's environmental documents, and insufficient parking.
8. Tom Burgher, Hidden Oaks Resident, stated that the mitigation implementation in the DEIR is not specific enough, citing examples such as location of construction parking. Also commented on lack of safety analysis. Submitted a picture of a high pressure gas pipeline adjacent to the property that should be included in the DEIR.
9. Lee Ann French, Citizens Planning Association, Executive Director, was concerned with the impact of off-site parking on neighborhood streets, traffic safety and proposed development encroaching into natural resources.

10. Arelhy Arroyo, Citizens Planning Association, provided some suggestions to offset concerns about parking, such as a bike path.
11. Cathie McCammon, Allied Neighborhood Association, felt that the DEIR was deficient and does not comply with CEQA. Cited areas, such as Class 1 impacts on neighborhood; safety; and parking.

With no one else wishing to speak, the public hearing was closed at 3:05 P.M.

Cameron Carey, Agent for Valle Verde, provided a rebuttal to public comments.

Most of the Commissioners felt that the DEIR should include a discussion of the existing parking.

Commissioner Jostes felt that the DEIR was a good start, but would like more land use analysis, and an analysis of the impacts of the existing CUP on the neighborhood.

Commissioner Lodge expressed concern on the safety of the reconfigured parking spaces, and to provide the emergency evacuation plan for the campus.

Two Commissioners also asked that the existing Conditional Use Permit be included in the DEIR, and that the DEIR provide information on the timing of the biological study, the replacement ratio for the oak trees, and tracking of Valle Verde traffic trips (i.e. age of the traffic counts). Also, wanted more information on why the 1 mile radius was chosen for the traffic trip analysis and expressed concern that an analysis of the Modoc and Las Positas intersections was not in the DEIR.

Chair Bartlett called for a recess at 3:28 P.M. and reconvened the meeting at 3:44 P.M.

IV. DISCUSSION ITEM

ACTUAL TIME: 3:44 P.M.

US 101 IMPROVEMENT PROJECT UPDATE

City, California Department of Transportation, and the Santa Barbara Association of Governments (SBCAG) Staff provided an update on the status of the project, as required by the Coastal Development Permit issued by the Planning Commission on December 13, 2004.

Case Planner: Michael Berman, Environmental Analyst

Email: MBerman@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4558

Michael Berman, Environmental Analyst, gave the Staff presentation, joined by Rob Dayton, Principal Transportation Planner, and Gregg Hart, Santa Barbara Association of Governments (SBCAG).

Bob Short, Montecito Association, made himself available to answer any questions.

The Commission was appreciative of the update and offered Staff suggestions for working with UPRR on pedestrian and bike use at the Cabrillo Bridge under-crossing.

V. **CONTINUED ITEM:**

ACTUAL TIME: 4:38 P.M.

APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS, AGENT FOR MADSEN FAMILY TRUST, 3626 SAN REMO DRIVE, APNS 053-231-010 & 053-231-011, E-3 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE, BUFFER/STREAM (MST2009-00325) CONTINUED FROM SEPTEMBER 2, 2010.

This was a continuation of the Planning Commission review of this item. The project was revised since the Planning Commission September 2, 2010 review to provide a 40 foot creek buffer on Parcels 1, 2, and 4; a reconfigured development envelope on Parcel 4; and a larger public view easement to the main residence. Proposal to subdivide a 66,372 square foot property into four lots ranging in size between 14,166 square feet and 16,453 square feet. The project includes demolition of the garage, studio apartment, a portion of the existing residence, shed, lath house, and driveway; and development envelopes for each new lot. The project also includes construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards of total grading. In addition, the project includes a view easement and preservation of the façade of the existing 3,137 square foot main residence.

The discretionary applications required for this project are:

1. Three Street Frontage Modifications to allow Parcels 1, 2, and 3 to be created with less than the required 60 feet of public street frontage (SBMC §28.15.080 and §28.92.110);
2. Three Street Frontage Waivers to allow Parcels 1, 2, and 3 to be created with no public street frontage (SBMC §22.60.300); and
3. Tentative Subdivision Map to allow the division of two parcels into four lots (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

Case Planner: Dan Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4550

Dan Gullett, Associate Planner, gave the Staff presentation.
George Johnson, Creeks Division Senior Planner, was available to answer any questions.

Lisa Plowman, Peikert Group Architects, gave the applicant presentation.

Chair Bartlett opened the public hearing at 5:12 P.M., and with no one wishing to speak, closed the public hearing.

Scott Vincent, Assistant City Attorney provided clarification on the Commission's desire to request an increased creek setback.

MOTION: Jordan/Jostes

Assigned Resolution No. 015-10

Approved the project, making the findings for the three Street Frontage Modifications, the three Street Frontage Waivers, and the Tentative Subdivision Map as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit B of the Staff Memorandum with the following revisions to the Conditions of Approval: 1) increase the setback between the creek and the development envelopes on Parcels 1, 2, and 4 to 45 feet from the creek top of bank; 2) Retain the existing 35' setback for the footprint of the historically significant residence on lot 3 on condition that the façade be restored rather than demolished. If the façade cannot be restored in its location, then the setback between the creek top of bank and the development envelope on Parcel 3 shall be increased 45 feet, as observed by the other lots; and 3) increase the view corridor to match the creek setback line on Parcel 4.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Jacobs) Abstain: 0 Absent: 2 (Larson, Schwartz)

Commissioner Jacobs could not support or make the findings for the project.

Chair Bartlett announced the ten calendar day appeal period.

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:52 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Bartlett reported on the Staff Hearing Officer's meeting held on October 6, 2010.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the Water Commission hearing of October 11, 2010.

b. Commissioner Jordan reported that next Thursday, October 21st, Commissioner Jostes would be speaking before the Downtown Organization about the General Plan Update.

VII. ADJOURNMENT

Chair Bartlett adjourned the meeting at 6:00 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 015-10

3626 SAN REMO DRIVE

PUBLIC STREET WAIVERS, FRONTAGE MODIFICATIONS, TENTATIVE SUBDIVISION MAP

OCTOBER 14, 2010

APPLICATION OF LISA PLOWMAN, PEIKERT GROUP ARCHITECTS, AGENT FOR MADSEN FAMILY TRUST, 3626 SAN REMO DRIVE, APNS053-231-010 & 053-231-011, E-3 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 5 UNITS PER ACRE, BUFFER/STREAM (MST2009-00325)

This is a continuation of the Planning Commission review of this item. The project has been revised since the Planning Commission September 2, 2010 review to provide a 40 foot creek buffer on Parcels 1, 2, and 4; a reconfigured development envelope on Parcel 4; and a larger public view easement to the main residence. Proposal to subdivide a 66,372 square foot property into four lots ranging in size between 14,166 square feet and 16,453 square feet. The project includes demolition of the garage, studio apartment, a portion of the existing residence, shed, lath house, and driveway; and development envelopes for each new lot. The project also includes construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards of total grading. In addition, the project includes a view easement and preservation of the façade of the existing 3,137 square foot main residence.

The discretionary applications required for this project are:

1. Three Street Frontage Modifications to allow Parcels 1, 2, and 3 to be created with less than the required 60 feet of public street frontage (SBMC §28.15.080 and §28.92.110);
2. Three Street Frontage Waivers to allow Parcels 1, 2, and 3 to be created with no public street frontage (SBMC §22.60.300); and
3. Tentative Subdivision Map to allow the division of two parcels into four lots (SBMC Chapter 27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15315 (Minor Land Divisions).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 23, 2010.
2. Staff Memorandum with Attachments, October 5, 2010
3. Site Plans
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. **Public Street Waivers for Parcels 1, 2 and 3 (SBMC §22.60.300)**

1. The private driveway will provide adequate access to the new parcels. The proposed driveway is acceptable to the Fire Department and Public Works Department.
2. The proposed driveway will provide adequate access for fire suppression vehicles, as required by applicable fire regulations. Said driveway will meet Fire Department requirements in terms of width, length, materials and weight capacity.
3. The project conditions require that the owner(s) of the proposed lots maintain the private driveway pursuant to a shared maintenance agreement that will run with the properties. The shared maintenance agreement would be recorded concurrent with recordation of the Parcel Map.
4. The waiver is in the best interests of the City and will improve the quality and reduce impacts of the proposed development. Development with a private driveway rather than a public street allows for an increased creek buffer. In addition, the subdivision includes a pedestrian pathway for access to the future residences. The driveway minimizes impacts to existing adjacent residences and does not require expenditure of public money for maintenance.

B. **Street Frontage Modifications for Parcels 1, 2 and 3 (SBMC §28.15.080 & 28.92.110)**

As discussed in Section V.C. of the Staff Report dated August 23, 2010, these modifications are consistent with the purposes and intent of the zoning ordinance and necessary to secure an appropriate improvement because the resulting lots would have frontage on a private driveway rather than a public street, which is preferable because of the site constraints of the creek, historic building and mature trees.

C. **The Tentative Map (SBMC §27.07.100)**

The Tentative Subdivision Map is consistent with the Subdivision Map Act, and the General Plan and Zoning Ordinance of the City of Santa Barbara as discussed in Sections IV and V of the Staff Report dated August 23, 2010. The site is physically suitable for the proposed development due to the creek buffer, the relatively flat topography above the creek bank, and the soil composition. The project is consistent with the density provisions of the Municipal Code and the General Plan as demonstrated in Sections IV and V of the Staff Report dated August 23, 2010, and the proposed use is consistent with the vision for this neighborhood because it provides single-family in-fill housing that is compatible in size and scale with surrounding development. The design of the project will not cause substantial environmental damage with the conservation area in the creek buffer, the preservation of the historic resource and the view corridor, and associated improvements will not cause serious public health problems as discussed in Section V of the Staff Report dated August 23, 2010.

II. Said approval is subject to the following conditions:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. **Design Review Approvals.** Obtain all required design review approvals for public and private improvements related to the subdivision including the partial demolition and addition to the existing residence and creek restoration landscaping. Refer to Section B "Design Review."
 2. **LDT Recovery Fee.** Pay Land Development Team Recovery Fee.
 3. **Demolition Permit.** Obtain a Building Permit (BLD) to demolish any structures / improvements that would conflict with the Parcel Map, not including the historically significant portions of the main residence. A BLD may also be obtained to demolish non-conflicting structures/improvements and/or perform rough grading. Refer to Section E "Construction Implementation Requirements."
 4. **Public Works and Building Permits for Private Improvements.** Obtain Public Works and Building Permits (PBW and BLD) for the following private and public improvements, which must be completed prior to approval of the Map. Refer to Section D "Requirements Prior to Permit Issuance," and Section E "Construction Implementation Requirements."
 - a. **Construct Private Water Line and Onsite Treatment of Runoff.** A private water line, a new private fire hydrant, and the required water treatment facilities on each proposed Parcel shall be constructed prior to constructing the finish course of the new shared on-site driveway access.
 - b. **Construct New Private Sewer Laterals.** Install new sewer wye and laterals from the existing sewer main to serve the new undeveloped parcels, and replace any existing private sewer laterals that are damaged and/or require replacement.
 - c. **Construct New Shared On-Site Driveway Access.** The new shared on-site access driveway shall be constructed with a hard surface material to meet minimum Fire Department access requirements of 60,000 pounds. Plans shall include cross sections for driveway construction and specifications using standardized construction methods to meet this condition.
 - d. **San Remo Drive Public Improvements.** All public improvements as identified in Condition D.7 of these Conditions of Approval, shall be either constructed prior to approval of the Parcel Map, or securities and a Land Development Agreement shall be submitted to the Public Works counter prior to approval of the Map.
 5. **City Council Approval.** Obtain City Council approval of the Parcel Map and Agreements and record said documents. Refer to Section C "Recorded Conditions Agreement" and Section F "Public Works Submittal for Parcel Map Approval."
 6. **Construction.** During construction, including demolition and grading, all conditions identified in Section E "Construction Implementation Requirements" must be followed.

Details on implementation of these steps are provided within the following conditions of approval.

- B. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied
1. **Subdivision Design Review.** The subdivision grading plan, including, but not limited to, any landform alterations, public improvements, required street lighting, and landscaping, shall be subject to the review and approval of the Single-Family Design Board (SFDB) prior to recordation of the Map.
 2. **San Roque Creek Setback.** The Conservation Easement referenced on TM1 shall be expanded to include the entire area within ~~50-45~~ feet of the top of the western bank of San Roque Creek, with the exception of the footprint of the existing historically-significant building on Parcel 3, that would remain at 35 feet if the façade could be restored in its location, otherwise it shall be expanded to 45 feet. The Mitigation Monitoring and Reporting Plan prepared by Althouse and Meade, Inc., dated May 27, 2010, shall be revised to include the expanded conservation area. The revised Mitigation Monitoring and Reporting Plan shall be subject to the review and approval of the City Creeks Division and the resultant landscape plan shall be subject to review by the SFDB.
 3. **Residence Alterations.** The Owner shall obtain approvals for the partial demolition and reconstruction of the historically significant main residence with parking as required by the Zoning Ordinance from the Single Family Design Board (or Historic Landmarks Commission, as appropriate). Demolition of the portion of the main residence encroaching into Parcel 2 and the interior setback of Parcel 3 is required prior to Parcel Map recordation.
 4. **Tree Removal and Replacement.** All trees greater than four inches (4") in diameter at four feet (4') above grade that are removed, except oak trees, fruit trees, and front setback trees approved for removal without replacement by the Parks Department, shall be replaced on site on a one-for-one basis with minimum 15-gallon size trees of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 5. **Tree Protection/Replacement Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Arborist's Report.** The arborist's report prepared by Bill Spiewak, dated September 28, 2009, shall be revised to reflect the removal of trees 35 and 36 and the protection of trees 31, 32, 33, and 34. The revised report shall be subject to the review and approval of the City Environmental Analyst. Include a note on the plans referencing the revised arborist's report and noting that the recommendations/conditions contained in the revised report shall be implemented.
 - b. **Landscaping Under Trees.** Landscaping provided under trees shall be compatible with preservation of the trees as determined by the Single Family

Design Board (SFDB). No irrigation system shall be installed under the dripline of any oak tree.

- c. **Oak Tree Replacement.** Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum fifteen (15) gallon size, from South Coastal Santa Barbara County stock, as recommended by Storrer Environmental Services in the Biological Assessment dated November 13, 2009.
6. **Pedestrian Pathway.** A separate decomposed stone pedestrian pathway shall be provided within the westerly ten feet of the Conservation Easement to access each of the four parcels from the San Remo Drive sidewalk.
7. **View Corridor.** Appropriate landscaping shall be provided in the view corridor as not to exceed 42 inches in height at maturity. The existing oak trees and jacaranda tree located within the view corridor exceeding 42 inches in height referenced in the Oak Tree Inventory & Mitigation Plan dated September 28, 2009 as Trees 38, 40, 41, and 42 shall remain. The three pittosporum trees located on the left side of the existing driveway between the jacaranda tree and the main house shall be removed. Canopies of trees in the areas adjacent to the view corridor may encroach into the view corridor provided that an adequate view of the building from San Remo Drive is retained at the time the vegetation reaches maturity.
8. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
9. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- C. **Recorded Conditions Agreement.** The Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 14, 2010 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between 14,166 square feet and 16,453 square feet with development envelopes for each lot; demolition of the existing garage, studio apartment, a portion of the existing residence, shed, lath house, and driveway; construction of a new driveway, construction of parking for Lot 3, drainage improvements, implementation of a creek restoration plan, and approximately 150 cubic yards of total grading; documentation of the existing residence; a view easement; preservation of the façade of the existing residence; and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara, with the following changes:

- a. The development envelopes shown on the parcel map shall be located no closer than ~~50~~ 45 feet from the San Roque Creek top of bank, except the development envelope on Parcel 3 shall include the existing footprint of the existing historically-significant building and patio within ~~540~~ 5 feet of the San Roque Creek top of bank. Except at the location of the existing patio on Parcel 3, the development envelopes shall exclude the view corridor.
- b. The Conservation Easement shall be expanded to include the entire area between the eastern property line and eastern line along the reconfigured development envelopes. With the exceptions of the pedestrian pathway, utilities and the accommodation of stormwater management elements, no development including buildings, grading or other ground disturbance is permitted within the Conservation Easement.
- c. The public utilities easement shall be relocated under the westerly edge of the new driveway.
- d. The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top of bank and a line 45 feet west of and parallel to the western top of bank.
2. **Design Review for Future Residences.** Any new residence proposed for construction on any of the lots created by the subdivision, shall be subject to the review and approval of the Single Family Design Board (SFDB).
3. **Tree Removal Timing.** No tree greater than four inches (4") in diameter at four feet (4') above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.
4. **Lighting.** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting).
5. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
6. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
7. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real

Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:

- a. **Tree Protection.** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak dated September 28, 2009 shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying arborist's report prepared by Bill Spiewak.
 - b. **Irrigation.** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer.** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
9. **Development Rights Restrictions.** The Owner(s) shall not make any use of the property contained in the Conservation Easement described in condition C.1 other than passive recreation, native plantings, creek restoration, stormwater facilities, and a pedestrian path. The restricted areas shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology

shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.

- b. **Garages and Carports Available for Parking.** A covenant that includes a requirement that all garages and carports be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages or carports were designed and permitted.
 - c. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
11. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area described in Condition C.1 adjacent to San Roque Creek.
12. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following for review and approval by the departments listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.

Public Works Department

1. **San Remo Drive Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on San Remo Drive. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include the following to City Standards: *installation of a new City Standard residential dome-style street light, five-foot wide sidewalk, realignment of curb and construction of sidewalk around existing tree encroaching into the existing sidewalk area, driveway apron modified to meet Title 24 requirements, saw-cut and replace any existing damaged curb and gutters, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20 feet beyond the limits of all*

trenching, connection to City water and sewer mains, public drainage improvements with supporting hydrology report for installation of curb drain outlets, supply and install directional/regulatory traffic control signs, storm drain stenciling per the MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

2. **Land Development Agreement.** The Owner shall submit an Engineer's Estimate, signed, and stamped by a registered civil engineer, securities for construction of improvements, and an executed *Agreement for Land Development Improvements*, prepared by the Engineering if public improvements are not constructed prior to recordation of the Parcel Map.
3. **Encroachment Permits.** Any encroachment or other permits from the City or the County Flood Control and Water Conservation District for the construction of improvements (including any required appurtenances) within their rights of way or easements.
4. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

Community Development Department

5. **Park and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Park and Recreation Commission for the removal of trees with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground in the front yard setback.
6. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Stormwater Management Plan (treatment, rate and volume). The Owner shall submit final drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building & Safety Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
7. **Documentation and Archive.** The applicant shall provide documentation of the main house at 3626 San Remo Drive consistent with the City of Santa Barbara's "Required Documentation of Buildings Prior to Demolition." The photo-documentation and a copy

of the Historic Structures/Sites Report shall be submitted to the Santa Barbara Historical Museum's Gledhill Library prior to permit issuance.

8. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees identified for protection in the Oak Tree Inventory and Mitigation Plan during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
9. **Mitigation Monitoring and Reporting.** Submit to the Planning Division an executed contract with a qualified expert to implement the Mitigation Monitoring and Reporting Plan for the subdivision restoration area. The contract shall include:
 - a. The monitoring schedule.
 - b. Performance criteria with target dates and success rates.
 - c. A list of reporting procedures, including content of monitoring reports.
 - d. Submittal of annual monitoring reports outlining compliance with performance standards and providing recommendations to achieve compliance until the performance criteria are met.
10. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
11. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
12. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section B above.
13. **Nesting Birds.** Construction and demolition activity shall occur outside the bird nesting season (February 1 – August 15), unless a clearance survey for nesting birds is provided to the satisfaction of the City Environmental Analyst and, if nesting bird species are identified, the affected area is avoided.
14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, if required, and any related Conditions of Approval, as follows:
 - a. **Grading Plan Notes.** Notes on the grading plan that specify the following:

- (1) No grading shall occur within three feet of the driplines of the existing trees indicated on the plans to remain.
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (3) All excavation within the dripline of the trees shall be done with hand tools.
 - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
- b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
- (1) During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
 - (2) No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the driveways and development plans for individual lots. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

(6) Landscaping provided under the oak trees shall be compatible with preservation of the trees. No irrigation system shall be installed under the dripline of any oak tree.

c. **Existing Tree Preservation.** The existing tree(s) shown on the approved Tentative Subdivision Map to be saved shall be preserved and protected and fenced three feet outside the dripline during construction.

15. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

16. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

17. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day
 Martin Luther King's Birthday
 Presidents' Day

January 1st*
 3rd Monday in January
 3rd Monday in February

Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

- e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
- 10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
- 11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
- 12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
- 13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
- 14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors telephone numbers, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- 15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- 16. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- 17. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- 18. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
- 19. **Complete Public Improvements.** Complete public improvements, as shown in the improvement and building plans, including utility service undergrounding and installation of street trees, or provide securities to complete public improvements within six months.

20. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist if a backflow device is installed on a separate fire line.
21. **Manhole.** Raise new sewer manhole in San Remo Drive to final finished grade, if needed.
22. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

F. **Public Works Submittal for Parcel Map Approval.** The Owner shall submit the following, or proof of completion of the following, to the Public Works and Community Development departments for review and approval:

1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance and shall comply with the Tentative Subdivision Map signed by the chair of the Planning Commission on October 14, 2010 and on file at the City of Santa Barbara and subject to any revisions made by the Planning Commission approval.
2. **Dedications.** Dedication of Easements as shown on the approved Tentative Subdivision Map and described as follows, are subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division. The public easement dedications shall be offered on the Parcel Map (Map), the private easement

documents shall be recorded as separate instruments prior to recordation of the Map, and the Recorded Instrument Numbers of the private easements shall be referenced on the title sheet of the Map:

- a. A variable width 35-50 foot private Conservation Easement for passive recreation, native plantings, and creek restoration.
 - b. A variable width Right of Way for All Street Purposes along San Remo Drive.
 - c. A public sewer easement on the northwest corner of the subject site.
 - d. A 4-foot wide public utilities easement (PUE).
 - e. A 15-foot wide easement for storm drainage for the Santa Barbara County Flood Control and Water Conservation District for emergency access and creek maintenance purposes.
 - f. A view corridor between San Remo Drive and the historic structure to be maintained in perpetuity limiting new development to landscaping, walls, patios or decks 42 inches or less in height. Existing trees within and adjacent to the view corridor shall be maintained to protect the trees and maintain the view of the historic structure through the view corridor.
 - g. A 4-foot wide reciprocal private access easement for pedestrians on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3, and 4.
 - h. A variable width reciprocal private access, drainage, and utility easement for on Parcels 2, 3, and 4, in favor of Parcels 1, 2, 3 and 4.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 4. **Required Conditions and Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 5. **Inclusionary Housing Fee.** Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department.
- G. **Requirements Following Map Recordation.** The Owner shall submit the following for review and approval by the departments listed below following Map Recordation. Some of these conditions may be waived for demolition or rough grading permits. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Community Development Department.
 2. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section C have been recorded

H. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the attached exhibits or as amended by the Planning Commission.
 - c. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Planning Commission's actions approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110

This motion was passed and adopted on the 14th day of October, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 (Jacobs) ABSTAIN: 0 ABSENT: 2 (Larson, Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

October 21, 2010

CALL TO ORDER:

Chair Bartlett called the meeting to order at 1:04 P.M.

I. ROLL CALL

Chair Bruce Bartlett, Vice-Chair John Jostes, Commissioners Charmaine Jacobs, Mike Jordan, Stella Larson, Sheila Lodge, and Deborah L. Schwartz.

Commissioner Charmaine Jacobs arrived at 1:15 P.M.

STAFF PRESENT:

Danny Kato, Senior Planner

N. Scott Vincent, Assistant City Attorney

Alex Altavilla, Police Patrol Captain.

Jim Austin, Fire Inspector

Deirdre Randolph, Community Development Programs Supervisor

Sue Gray, Administrative Services Manager

Kelly Brodison, Assistant Planner

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- B. Announcements and appeals.

None.

- C. Comments from members of the public pertaining to items not on this agenda.

Chair Bartlett opened the public hearing at 1:06 P.M.

1. Lamaria Clayton commented on homelessness in Santa Barbara.

2. Ruth Wilson offered spiritual encouragement to the Commission.

With no one else wishing to speak, the hearing was closed at 1:09 P.M.

III. DISCUSSION ITEM

ACTUAL TIME: 1:09 P.M.

STATUS UPDATE OF CONDITIONAL USE PERMIT FOR CASA ESPERANZA, PROPERTY OWNER, 816 CACIQUE AND 110 SOUTH QUARANTINA STREET, APN'S 017-240-021, 017-113 035 & 017-113-034, M-1 LIGHT MANUFACTURING, C-2, GENERAL COMMERCE AND S-D-3, COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST99-00432)

The purpose of this meeting was for Casa Esperanza to provide its Two-Year Progress Report on its operation of the Emergency Homeless Shelter and Day Center, located at 816 Cacique Street, as required by Condition II.F of Planning Commission Resolution 008-09.

No formal action on the project was taken during this discussion item.

Case Planner: Kelly Brodison, Assistant Planner

Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation, joined by Sue Gray, former Community Development Programs Supervisor, who stated that Mayor Helene Schneider is considering asking the City Council to look at reconvening the Council Subcommittee on Homelessness and Community Relations.

Mike Foley, Casa Esperanza Executive Director, gave the applicant presentation, joined by Sue Adams, Casa Esperanza Founder; Gary Linker, Milpas Action Task Force Chair; and Alex Altavilla, Santa Barbara Police Department Patrol Captain.

Chair Bartlett opened the public hearing at 1:58 P.M.

The following people provided public comment:

1. Alan Bleecker, Milpas Community Association (MCA)
2. Jarrett Gorin, MCA
3. John Dixon, MCA
4. Bea Molina, MCA
5. Julianna Riechard, the Habit Restaurant and MCA
6. Bruce Giffen, Giffen and Crane and MCA
7. Rick Feldman, Santa Barbara Eyecare and MCA
8. Tim Werner, MCA
9. Paul Gifford, Blue Sands Motel
10. Rose Aldana, MCA
11. Jim Westby, MCA
12. Lia Suzriki, Aikidi Kenyuakai
13. Thomas Chock, Fusion Design and MCA
14. David Hughes
15. Luis Jose Stephens, Casa Esperanza

16. David Peterson, McDonalds Owner and MCA
17. Holly Walters, West Beach Association
18. Chuck Rose, Greater Santa Barbara Youth Baseball Executive Director
19. Lady Leslie Ridle y-Tree, Casa Esperanza Board Member
20. Ed Mannon
21. Rev. Mark Asman, Casa Esperanza Board Member
22. Geoff Green, Fund for Santa Barbara Executive Director
23. Nancy E. Kapp, Safe Parking Program
24. Nadine McFarland, Casa Esperanza
25. Dave Hopkins
26. Heather Sheppard
27. Melody Jorgensen, Community Kitchen Patron
28. Nancy McCradie
29. Dr. Donald Ziehl, Community Kitchen
30. Audrey Addison Williams, Healing Soul of America
31. John Michael, CLUE
32. Donald Bennett, First Presbyterian Church Volunteers
33. Lea Juniper, Consumer Advocacy ..., speaking for Roger Thompson
34. Maria Daniel, Casa Esperanza
35. Jan Hubbell
36. Keith T, New Friendship
37. Andrea Roselinksy
38. Mickey Flacks
39. Joyce Howerton, Santa Barbara County Action Network
40. Bob Hansen

There were positive comments made and received for the Community Kitchen lunch program and Casa Esperanza. Still, a majority of speakers requested a new hearing be held for revisions to the Conditional Use Permit.

The following people expressed interest in providing public comment, but could not stay the duration of the meeting:

1. Rafael Marlin Leon, Our Lady of Guadalupe Church
2. Victor Evarone, Cabrillo Inn at the Beach
3. Javiar, Joyeria Latina Americana
4. Robin Freeman
5. Marshall Rose
6. Roger Durling, Casa Esperanza Board Member
7. Lorazo Prieto, Community Kitchen
8. Gina Fischer, Food Bank of Santa Barbara County
9. Mary Johnston

With no one else wishing to speak, the public hearing was closed at 3:42 P.M. with the Commission continuing the discussion to the next available Planning Commission meeting.

MOTION: Jacobs/Lodge

Continue the discussion to November 4, 2010

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 3:43 P.M.

MOTION: Jacobs/Schwartz

Continue the Administrative Agenda to November 4, 2010

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

VII. ADJOURNMENT

Chair Bartlett adjourned the meeting to a site visit of the Santa Barbara Airport at 3:45 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary